

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SITTING AT GREENEVILLE

| | | |
|---------------------------------|---|------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | No. 2:19-CR-167 |
| |) | Judge Jordan |
| ROBBIE ENGLISH |) | |

MEMORANDUM IN SUPPORT OF MOTION FOR SEVERANCE

Comes now the Defendant, Robbie English, by and through counsel, and would file this his Memorandum in Support of Motion for Severance and would show unto this Honorable Court as follows:

1. There is an inherent conflict between a defendant's pre-trial detention under the Bail Reform Act and his presumption of innocence. How is a defendant to be compensated for months in pretrial detention in the event he ultimately is found innocent of the charges filed against him?

2. The Speedy Trial clauses core concern is impairment of liberty. *United States v. Loud Hawk*, 474 U.S. 302, 312 (1986). The clause is directed not generally against delay-related prejudice but against delay-related prejudice to a defendant's liberty. *Doggett v. United States*, 505 U.S. 647, 660 (1992) (quoting the dissent of Thomas, Rehnquist and Scalia.)

3. The speedy trial guarantee is designed to minimize the possibility of lengthy incarceration prior to trial to reduce the lesser, but nevertheless substantial, impairment of liberty imposed on an accused while released on bail, and to shorten disruption of life caused by arrest and the presence of unresolved crimes. *United States v. McDonald*, 456 U.S. 1, 8 (1982). In *Barker v. Wingo*, 407 U.S. 514, 532 (1972), the U.S. Supreme Court

asserted that the clause was “designed to protect three distinct interests, i) to prevent oppressive pre-trial incarceration; ii) to minimize anxiety and concern of the accused; and iii) to limit the possibility that the defense will be impaired. The *Barker* court went so far as to declare that of these three interests, the most serious is the last, because of the inability of a defendant to adequately prepare his case skews the fairness of the entire system. 407 U.S. at 532.

4. The Defendant respectfully requests that this Court exercise its discretion, order a severance, and allow this Defendant to proceed to trial.

Respectfully submitted,

ROBBIE ENGLISH

By: /s/Douglas L. Payne
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CERTIFICATE OF SERVICE

I, Douglas L. Payne, do hereby certify that on May 8, 2020, a copy of the foregoing Memorandum in Support of Motion for Severance was filed electronically. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court’s electronic filing system.

/s/Douglas L. Payne
DOUGLAS L. PAYNE